

Remarks/Arguments

A. Claims in the Case:

Claims 1, 3, 6, 18-20, 22, 26 and 27 were rejected. Claims 2, 4, 5, 7-17, 21, 23-25 and 28-37 were objected to. Claims 3, 5, 10 and 22 are currently amended solely for the purpose of correcting grammatical or typographical errors. Claims 1-37 are pending in the case.

B. 35 U.S.C. §103 Rejections

Claims 1, 3, 6, 18-20, 22, 26 and 27 were rejected under 35 U.S.C. §103(a) for allegedly being obvious over the combination of U.S. Patent Application Publ. No. 2005/0029701 by Lin et al., (“Lin”) and U.S. Re-issue Patent RE 33,161 to Brown et al (“Brown”). Applicant respectfully disagrees with these rejections.

Applicant respectfully submits that the rejections of the instant claims are improper. Applicant believes that, since Lin only qualifies as prior art under 35 USC §102(e) and the inventions were commonly assigned at the time the instant application was filed, Lin is disqualified under 35 U.S.C. §103 (c) as prior art in a rejection under 35 U.S.C. § 103(a). For the Examiner’s convenience, Applicant has attached hereto the USPTO Assignment Recordation listings showing that the instant application and Lin are currently owned by the same party, *i.e.*, Calcitec, Inc.

In light of the above, Applicant submits that claims 1, 3, 6, 18-20, 22, 26 and 27 are unobvious and patentable, and respectfully requests that the rejections thereof on these grounds be withdrawn.

C. Claim Objections

Claims 2, 4, 5, 7-17, 21, 23-25 and 28-37 were objected to for being dependent on a rejected base claim. The Office Action indicated that these claims would be allowable if re-written in independent form including all of the limitations of the base claim and any intervening

claims. Applicant believes however, that these objections are obviated in light of the remarks made above, and respectfully requests the reconsideration thereof.

Summary

In light of the above, Applicant submits that the pending claims are patentable. Favorable reconsideration is respectfully solicited.

Additional Comments

Applicant has enclosed herewith a Fee Authorization in the amount of \$180 to cover the cost associated with the filing of an Information Disclosure Statement. If any extension of time is required, Applicant hereby requests the appropriate extension of time. Applicant believes no other fees are due in association with this submission and any of the accompanying documents. If any fees have been omitted or if any additional fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5937-00600/EBM.

Respectfully submitted,



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Date: Jan 5, 2004



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Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

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For pending or abandoned applications please consult USPTO staff.***

Total Assignments: 2

Patent #: NONE

Issue Dt:

Application #: 10780728 Filing Dt: 02/19/2004

Publication #: US20050184417 Pub Dt: 08/25/2005

Inventors: Jiin-Huey Chern Lin, Chien-Ping Ju, Yin-Chun Tien, Chih-Hung Tsai, Chao-Chin Ning et al

Title: METHOD FOR MAKING A POROUS CALCIUM PHOSPHATE ARTICLE

Assignment: 1

Reel/Frame: 015007/0970

Recorded: 02/19/2004

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: LIN, JIIN-HUEY CHERN

Exec Dt: 02/16/2004

JU, CHIEN-PING

Exec Dt: 02/16/2004

TIEN, YIN-CHUN

Exec Dt: 02/16/2004

TSAI, CHIH-HUNG

Exec Dt: 02/16/2004

NING, CHAO-CHIN

Exec Dt: 02/16/2004

CHAO, CHUNG-PO

Exec Dt: 02/16/2004

Assignee: CANA LAB CORPORATION

4F, NO. 420, SEC. 1, KEELUNG RD.

TAIPEI, TAIWAN

Correspondent: BACON & THOMAS, PLLC

EUGENE MAR

625 SLATERS LANE

FOURTH FLOOR

ALEXANDRIA, VA 22314

Assignment: 2

Reel/Frame: 016115/0886

Recorded: 01/06/2005

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: CANA LAB CORPORATION

Exec Dt: 12/17/2004

Assignee: CALCITEC, INC.

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AUSTIN, TEXAS 78735

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Patent Assignment Abstract of Title

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For pending or abandoned applications please consult USPTO staff.**

Total Assignments: 2

Patent #: NONE

Issue Dt:

Application #: 10633511 Filing Dt: 08/05/2003

Publication #: [US20050029701](#) Pub Dt: 02/10/2005

Inventors: Jiin-Huey Chern Lin, Chien-Ping Ju, Chih-Hung Tsai

Title: METHOD FOR MAKING A MOLDED CALCIUM PHOSPHATE ARTICLE

Assignment: 1

Reel/Frame: [014395/0386](#)

Recorded: 03/03/2004

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: [LIN, JIIN-HUEY CHERN](#)

Exec Dt: 06/26/2003

[JU, CHIEN-PING](#)

Exec Dt: 06/26/2003

 [TSAI, CHIH-HUNG](#)

Exec Dt: 06/26/2003

Assignee: [CANA LAB CORPORATION](#)

4F, NO. 420, SEC. 1, KEELUNG ROAD

TAIPEI, TAIWAN R.O.C

Correspondent: BACON & THOMAS, PLLC

EUGENE MAR

625 SLATERS LANE FOURTH FLOOR

ALEXANDRIA, VA 22314

Assignment: 2

Reel/Frame: [016115/0892](#)

Recorded: 01/06/2005

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: [CANA LAB CORPORATION](#)

Exec Dt: 12/17/2004

Assignee: [CALCITEC, INC.](#)

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